

MONTANA LEGISLATIVE HISTORY

Chapter 12 1986 special June

Bill H 11 S _____ Original bill & history ☒ c

H. Committee on LOCAL GOV

Hearing Date(s) 6/18 _____ c

6/19 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on LOCAL GOV.

Hearing Date(s) 6/26 _____ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE BILL NO. 11
INTRODUCED BY MANUEL

IN THE HOUSE

June 16, 1986	Introduced and referred to Committee on Local Government.
June 20, 1986	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
June 23, 1986	Second reading, do pass as amended. Third reading, passed. Transmitted to Senate.

IN THE SENATE

June 24, 1986	Introduced and referred to Committee on Local Government.
June 26, 1986	Committee recommend bill be concurrred in as amended. Report adopted.
June 27, 1986	Second reading, concurrred in. Third reading, concurrred in. Ayes, 40; Noes, 10. Returned to House with amendments.

IN THE HOUSE

June 28, 1986	Received from Senate. Second reading, amendments concurrred in.
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June 28, 1986

Third reading, amendments concurred
in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 11

INTRODUCED BY

Manuel

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY OFFICIALS TO SET THEIR SALARIES AT THE JUNE 30, 1986, LEVEL IF THAT LEVEL IS LOWER THAN THE LEVEL OTHERWISE REQUIRED BY LAW; AMENDING SECTIONS 3-10-207, 7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution, but a justice of the peace may, for all or the remainder of each fiscal year, set his salary at the June 30, 1986, level if that level is lower than the level set by the resolution. Salaries must meet the minimum requirements established by this section.

(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.

(4) The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, except as provided for in subsection (5).

(5) In the event his court is not open for business full time, the justice's salary shall be commensurate to the workload and office hours of the court."

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1) Each member of the board of county commissioners in counties of the first, second, third, and fourth class shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and recorder plus \$2,000, but a county commissioner may, for all or the remainder of each fiscal year, set his salary at the June 30, 1986, level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year

1 beginning July 1, 1985, the salary is \$60 a day. Thereafter,
 2 on or before July 1 of each year, the county commission
 3 shall fix a cost-of-living adjusted daily salary by adding
 4 to the amount of \$60 an increment calculated as provided in
 5 7-4-2504, but a county commissioner may, for all or the
 6 remainder of each fiscal year, set his salary at the June
 7 30, 1986, level if that level is lower than the level
 8 required by this subsection.

9 (3) This section does not apply to counties that have
 10 adopted a charter form of government."

11 Section 3. Section 7-4-2502, MCA, is amended to read:

12 "7-4-2502. Payment of salaries of county officials and
 13 assistants. (1) Except as provided in subsection (2), the
 14 salaries of the county officers and their assistants may be
 15 paid monthly, twice monthly, or every 2 weeks out of the
 16 general fund of the county and upon the order of the board
 17 of county commissioners.

18 (2) (a) The salaries of the county attorney and deputy
 19 county attorneys authorized by 7-4-2703 are payable monthly,
 20 with the salaries of the county attorney and no more than
 21 two deputies payable one-half from the general fund of the
 22 county and the other one-half from the state treasury upon
 23 the warrant of the state auditor. Such salaries for the
 24 deputy county attorneys include the longevity increases
 25 provided by 7-4-2503(3)(d).

1 (b) The county commissioners of each county shall,
 2 within 30 days after the election or appointment to fill a
 3 vacancy for any cause in the office of county attorney or
 4 within 30 days after the appointment of a deputy county
 5 attorney authorized by 7-4-2703, certify the election or
 6 appointment to the state auditor, who shall thereafter draw
 7 warrants for such salary in the same manner as for state
 8 officers. In case of a vacancy, the county commissioners
 9 shall immediately notify the state auditor, and the auditor
 10 shall compute the salary due on the basis of the
 11 notification.

12 (3) The board has jurisdiction and power, under such
 13 limitations and restrictions as are prescribed by law, to
 14 fix the compensation of all county officers not otherwise
 15 fixed by law and to provide for the payment of the same, but
 16 an officer may, for all or the remainder of each fiscal
 17 year, set his salary at the June 30, 1986, level if that
 18 level is lower than the level set by the board."

19 Section 4. Section 7-4-2503, MCA, is amended to read:

20 "7-4-2503. Salary schedule for certain county
 21 officers. (1) The salary paid to the county treasurer,
 22 county clerk and recorder, clerk of the district court,
 23 county assessor, county superintendent of schools, and
 24 county sheriff; the county surveyor in counties where county
 25 surveyors receive salaries as provided in 7-4-2812; and the

county auditor in all counties wherein such office is authorized, for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

(a) \$14,000 for the counties of the first through fifth class to the population increment of \$10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

(b) \$12,000 for counties of the sixth and seventh class to the population increment of \$20 per 100 persons or major fraction thereof in the county's population as determined by the 1980 federal decennial census.

(2) (a) An elected county superintendent of schools shall receive, in addition to the salary based upon subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 per year.

(b) The county sheriff shall receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(3) (a) In each county with a population in excess of 30,000, the county attorney shall be a full-time official under 7-4-2704, and his salary for the fiscal year beginning July 1, 1981, shall be \$36,500. In counties with a population less than 30,000, the county attorney who is a part-time official for a county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the annual salary of a full-time county attorney. A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county attorney.

(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the salary of the county attorney for the fiscal year beginning July 1, 1981, shall be \$36,500.

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. However, a

1 county attorney may, for all or the remainder of each fiscal
 2 year, set his salary at the June 30, 1986, level if that
 3 level is lower than the level required by this subsection
 4 (3)(c). The cost-of-living increment for the fiscal year
 5 beginning July 1, 1983, and for each subsequent fiscal year
 6 shall be added to all cost-of-living increments granted for
 7 previous years.

8 (d) (i) After completing 4 years of service as deputy
 9 county attorney, each deputy county attorney is entitled to
 10 an increase in salary of \$1,000 on the anniversary date of
 11 his employment as deputy county attorney. After completing 5
 12 years of service as deputy county attorney, each deputy
 13 county attorney is entitled to an additional increase in
 14 salary of \$1,500 on the anniversary date of his employment.
 15 After completing 6 years of service as deputy county
 16 attorney and for each year of service thereafter up to
 17 completion of the 11th year of service, each deputy county
 18 attorney is entitled to an additional annual increase in
 19 salary of \$500.

20 (ii) The years of service as a deputy county attorney
 21 accumulated prior to July 1, 1985, must be included in the
 22 calculation of the longevity increase.

23 (4) For each 10th year after the fiscal year beginning
 24 July 1, 1981, the latest federal decennial census statistics
 25 shall be the basis for computation of population increments

1 under this section. During the intervening 9 years, the
 2 computation of population increments applicable on July 1 of
 3 each year shall be based on the last calendar year's annual
 4 estimates of counties' populations compiled by the
 5 federal-state cooperative program for estimates of the
 6 university of Montana bureau of business and economic
 7 research and the U.S. bureau of the census or other estimate
 8 that the bureau of business and economic research may
 9 certify."

10 Section 5. Section 7-4-2504, MCA, is amended to read:
 11 "7-4-2504. Salaries to be fixed by resolution --
 12 cost-of-living increments. (1) The county governing body
 13 shall by resolution, on or before July 1, 1982, and on or
 14 before July 1 of each year thereafter adjust and uniformly
 15 fix the salaries of the county treasurer, county clerk,
 16 county assessor, county school superintendent, county
 17 sheriff, and the clerk of the district court; the county
 18 auditor (if there is one); and the county surveyor (if he
 19 receives a salary) for cost-of-living increase by adding to
 20 the annual salary computed under 7-4-2503 an increment
 21 calculated by applying to the annual salary established by
 22 7-4-2503(1) plus previous cost-of-living increments, 70% of
 23 the last previous calendar year's consumer price index for
 24 all urban consumers, U.S. department of labor, bureau of
 25 labor statistics, or other index that the bureau of business

1 and economic research of the university of Montana may in
2 the future recognize as the successor to that index. Any
3 official listed in this subsection may, however, for all or
4 the remainder of each fiscal year, set his salary at the
5 June 30, 1986, level if that level is lower than the level
6 required by this subsection. The cost-of-living increment
7 for the fiscal year beginning July 1, 1983, and for each
8 subsequent fiscal year shall be added to all cost-of-living
9 increments granted for previous years.

10 (2) If the application of 7-4-2503 does not qualify a
11 county official for a salary increase of at least 7% on July
12 1, 1981, his salary on that date shall be increased by an
13 amount sufficient to provide him total salary equal to 7%
14 more than during the previous year.

15 (3) The county governing body shall by resolution,
16 prior to July 1 of each year, establish the salary of the
17 coroner, but the coroner may, for all or the remainder of
18 each fiscal year, set his salary at the June 30, 1986, level
19 if that level is lower than the level set by the resolution.
20 The salary must be in effect upon the first day of each
21 ensuing fiscal year."

22 NEW SECTION. Section 6. Effective date. This act is
23 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB011, as introduced.

Description of Proposed Legislation:

HB11 allows county officials to freeze their salaries at fiscal year June 30, 1986, levels if that level is lower than otherwise required by law.

Assumptions:

1. All county officials listed in this bill accept the freeze. Therefore, the maximum fiscal impact of freezing salaries is estimated. Longevity and benefits are not included.
2. The number of county officials remains constant at FY86 levels in FY87.
3. County official salaries would increase 2.5% between FY86 and FY87.
4. In FY87, funding for deputy assessors comes 100% from the state; funding for assessors comes 70% from the state and 30% from the county.
5. Counties pay half of the county attorney and deputy county attorney salaries; the state pays the other half.

Fiscal Impact:Expenditures: (Impact in FY87 only)FY87

Current Law

Personal Services Costs	\$8,005,259
State General Fund	\$2,312,316
County Funds	<u>\$5,692,943</u>
Total	\$8,005,259

Proposed Law

Personal Services Costs	\$7,767,486
State General Fund	\$2,261,123
County Funds	<u>\$5,506,363</u>
Total	\$7,767,489

Savings Under Proposed Law

Personal Services Costs	\$ 237,773
State General Fund	\$ 51,193
County Funds	<u>\$ 186,580</u>
Total	\$ 237,773

David L. Hunter
BUDGET DIRECTOR

6/20/86
DATE

Office of Budget and Program Planning

Rep. Roy Mann
PRIMARY SPONSOR

6-21-86
DATE

Fiscal Note for HB11, as introduced.

Form BD-15

HB11

Page 2

Affect on County or Other Local Revenue or Expenditures:

County expenditures for county officials would be reduced by at least \$186,580 in FY87, excluding benefits and longevity.

Long-Range Effects of Proposed Legislation:

None noted.

Technical or Mechanical Defects or Conflicts With Existing Legislation:

None noted.

[illegible]

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
49th Legislature
Special Session III
House of Representatives

June 18, 1986

The meeting of the Local Government Committee was called to order by Chairman Darko on June 18, 1986 at 1:33 p.m. in room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Fritz who was excused by the Chairman.

CONSIDERATION OF HOUSE BILL NO. 11: Rep. Rex Manuel, District #11, sponsor of HB 11, appeared before the committee to present the bill. He stated the intent of this bill is to give county commissioners the option to freeze pay increases for 1986 and longer if they so desire. The bill gives all officials the option to freeze their own wages, which wasn't the intent. Rep. Manuel said the amendments (Exhibit 1) will put the bill to the original intent, that county commissioners may if they wish freeze all the official salaries. There is a constitutional technicality with the justice of the peace, that if the commissioners chose to freeze their salaries, it must be done by June 30th.

PROPOSERS: Rep. Gay Holliday, District 31, stated her support for the bill as amended. She distributed a letter from county commissioners of Musselshell County (Exhibit 2).

OPPOSERS: Chuck Krause, Assessor for Silver Bow County, spoke in opposition to the bill (Exhibit 3).

Rep. Paul Pistoria stated that he would be an opponent if it is going to give the county commissioners the right to set all the salaries.

In closing, Rep. Manuel distributed a letter from Hershel M. Robbins, county commissioner from Musselshell (Exhibit 4). He also asked the committee for favorable support.

There were no further opponents or proponents present.

DISCUSSION OF HOUSE BILL NO. 11: Rep. Poff asked Rep. Manuel if he had contacted the County Commissioners Association what their opinion was. Rep. Manuel stated that Gordon Morris, Executive Vice President, is in favor of this bill as amended.

Rep. Sands asked Rep. Manuel if the bill would permit the

county commissioners to selectively determine which of the elective officials salaries would be froze. Rep. Manuel replied that the commissioners would have their option and that there isn't anything mandatory in this bill. He also stated that the intent is to have the county commissioners freeze their own salaries first but the bill states that they can be selective. It was noted that there are other bills in the process similar to HB 11 but, if those bills do not pass, then HB 11 would take care of this purpose. That must be done by June 30th.

Rep. Kadas wanted to clarify that the intent is to allow the county commissioners to freeze their own salaries and everyone else's at the same time. Rep. Manuel said that the intent of this bill is, if the county commissioners freeze their salaries, then everyone else will follow. Clarification was made by Lee Heiman that almost all of those salaries are connected to the county clerk and the commissioners salaries are linked to the county clerk. There are some that would not be so covered.

Rep. Pistoria asked Lee Heiman if this bill is to only freeze the salaries but not give the county commissioners the power to set salaries. Mr. Heiman said that it reads the county commissioners may freeze a salary at the June 30, 1986 level.

Rep. Switzer asked Rep. Manuel if he wants this bill to pass if it gives the county commissioners authority to be discriminating in whose salaries are set. Rep. Manuel assumed that the commissioners could not be selective.

Gordon Morris, Executive Director, Montana Association of Counties, (Exhibit 10) recommended the bill in the committee to establish a salary freeze as opposed to a freeze by county officials as submitted in the introduced bill.

DISPOSITION OF HOUSE BILL NO. 11. Rep. Sales moved that HB 11 DO PASS. It was seconded by Rep. Hansen. Rep. Gilbert made a motion to move the amendments, and Rep. Brandewie seconded.

Rep. Pistoria stated that he would vote for the bill if it did not give the county commissioners the right to generally set salaries.

Rep. Kadas asked if the commissioners have the right to freeze a particular person's salary and not anyone else. Mr. Heiman stated that the justice of the peace and the coroner salaries

could be frozen separately.

Rep. Sands asked if the county commissioners could choose if his own salary was to be reduced. Mr. Heiman stated that the amendments provide that the commissioners, as a body can freeze the salaries of the commissioners.

The motion for the amendments PASSED UNANIMOUSLY. Rep. Kadas moved that the assessors, justice of the peace and the coroner that they all be frozen uniformly. Rep. Hansen seconded the motion.

Rep. Poff asked Mr. Heiman if county assessors are paid by the state. Mr. Heiman said county assessors are paid by the state but they come under the pay system like the rest of the officers. The state pays about 70% of their wages.

Rep. Brandewie was concerned if the justice of the peace and assessor have to take this pay freeze before July 1, 1986. Rep. Kadas thought that it could be done at a later date but the wage freeze had to be at the June 30th level.

Rep. Hansen wondered if the pay plan is frozen, does that freeze the assessor's salary. The question was unanswered. She stated, if the county and state funds were both frozen, that would give them a double whammie.

Rep. Kadas made a substitute motion that allowed the county commissioners to freeze all public official salaries if possible. The justice of the peace would be an exception if constitutionally impermissible.

There being no further time to discuss HB 11, it had been scheduled to take further action at a later date.

CONSIDERATION OF HOUSE BILL NO. 14: Rep. Bardanouve appeared before the committee as sponsor of HB 14. This bill states that the available money in a local government block grant will be proated to the government agencies. The local government block grant program is tied to earmarked revenue, which is hooked to a falling revenue base. There have been many colleges, institutions, and etc., that have to take cuts so local government is in the same situation.

PROPOSERS: Dave Woodgerd, Department of Revenue, passed out a copy of an amendment (Exhibit 5). This amendment goes to the mechanics involved in HB 14 and how the amount of money is determined with how much money each county will

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th LEGISLATIVE SESSION -- 1986

THIRD SPECIAL SESSION

Date June 18, 1986

NAME	PRESENT	ABSENT	EXCUSED
Rep. Paula Darko, Chairman	X		
Rep. Norm Wallin, Vice Chairman	X		
Rep. Ray Brandewie	X		
Rep. Dave Brown	X		
Rep. Harry Fritz			X
Rep. Bob Gilbert	X		
Rep. Stella Jean Hansen	X		
Rep. Mike Kadas	X		
Rep. Les Kitselman	X		
Rep. Paul Pistoria	X		
Rep. Bing Poff	X		
Rep. Walter Sales	X		
Rep. Jack Sands	X		
Rep. Dean Switzer	X		

ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE June 18, 1986 BILL NO. HB 11

NUMBER 1

NAME	AYE	NAY
Rep. Paula Darko, Chairman	X	
Rep. Norm Wallin, Vice Chairman	X	
Rep. Ray Brandewie	X	
Rep. Dave Brown	X	
Rep. Harry Fritz	X	
Rep. Bob Gilbert	X	
Rep. Stella Jean Hansen	X	
Rep. Mike Kadas	X	
Rep. Les Kitselman	X	
Rep. Paul Pistoria	X	
Rep. Bing Poff	X	
Rep. Walter Sales	X	
Rep. Jack Sands	X	
Rep. Dean Switzer	X	

TALLY

13

0

Karey Olson

Secretary

Paula Darko

Chairman

MOTION: Rep. Gilbert moved to pass the amendments. Rep.

Brandewie seconding the motion.

Exhibit 1

June 18, 1986

Rep. Manuel

Amendments to HB 11, white (introduced) copy

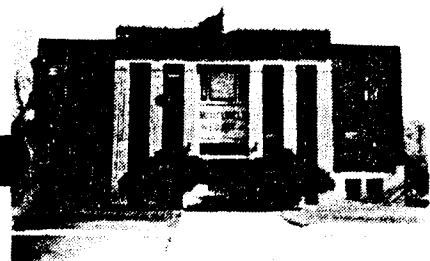
Prepared for Rep. Manuel by John MacMaster

1. Title, line 5
Following: line 4
Strike: "OFFICIALS"
Insert: "COMMISSIONERS"
Following: "SALARIES"
Insert: "AND OTHER OFFICIALS' SALARIES"
2. Title, lines 6 and 7
Following: "LEVEL" on line 5
Strike: "IF" through "LAW" on line 7
3. Page 1, line 15
Following: "resolution"
Strike: ", but a justice of the peace"
Insert: "and"
4. Page 1, line 16
Following: "set"
Strike: "his salary"
Insert: "the salaries"
5. Page 1, lines 17 and 18
Following "level" on line 17
Strike: "if" through "resolution" on line 18
Insert: "if the salary at the time of the resolution is not
above the June 30, 1986, level"
6. Page 2, line 8
Following: "in"
Strike: "subsection"
Insert: "subsections (1) and"
7. Page 2, line 17
Following: "but"
Strike: "a"
Insert: "the"
8. Page 2, line 18
Following: "county"
Strike: "commissioner"
Insert: "commissioners"
9. Page 2, line 19
Following: "set"
Strike: "his salary"
Insert: "their salaries"

10. Page 3, line 5
Following: "but"
Strike: "a"
Insert: "the"
Following: "county"
Strike: "commissioner"
Insert: "commissioners"
11. Page 3, line 6
Following: "set"
Strike: "his salary"
Insert: "their salaries"
12. Page 4, lines 15 and 16
Following: "same" on line 15
Strike: ", but" through "officer" on line 16
Insert: "and"
13. Page 4, lines 17 and 18
Following: "set" on line 17
Strike: "his salary"
Insert: "the salaries"
Following: "level" on line 17
Strike: "if" through "board" on line 18
14. Pages 6 and 7
Following: "However," on line 25, page 6
Strike: "a" through "attorney" on line 1, page 7
Insert: "the county commissioners"
15. Page 7, line 2
Following: "set"
Strike: "his"
Insert: "the"
16. Page 9, lines 2 and 3
Following: "index." on line 2
Strike: "Any" through "subsection" on line 3
Insert: "The county governing body"
17. Page 9, line 4
Following: "set"
Strike: "his salary"
Insert: "the salaries"
18. Page 9, line 17
Following: "coroner"
Strike: ", but the coroner"
Insert: "and"

19. Page 9, line 18
Following: "set"
Strike: "his"
Insert: "the"
20. Page 9, line 19
Following: "level" on line 18
Strike: "if" through "resolution" on line 19

AMEND/hm/HB11/MacMaster



County of Musselshell

ROUNDUP, MONTANA

BOARD OF COUNTY COMMISSIONERS

HERSHEL M. ROBBINS
RICHARD E. WALKER
LYLE E. STORTZ

Date: May 27, 1986

*Exhibit 2
HB 11
Rep Holliday
June 18, 1988*

FRANCES L. DAWSON
Clerk & Recorder
WARREN SMITH
Assessor
CLINTON J. MOORE
Treasurer
Supt. of Schools
BRIAN NIEDHARDT
Sheriff
JOHN L. PRATT
County Attorney
ALICE BROWER
Clerk of Court
JOHN RAE
Coroner
IRVING DODDS
Public Administrator
EVELYN HATTERSCHEID
Justice of the Peace

To: Gay Holliday
State Representative
House District 31

Dear Gay:

Due to the depressed economy in the State of Montana and Musselshell County. We, The Board of County Commissioners, would like you to consider sponsoring an effort in the upcoming Legislative session to give local elected officials the option of not taking a 2½% cost of living increase in their salaries.

There may already be efforts in this direction. If that is the case we would urge your support of such a action. We find it difficult to request freezing of salaries or requesting cut backs when we are mandated an automatic increase in our own pay.

Sincerely:


Hershel M. Robbins, Chairman

Musselshell County Commissioners

HMR/ech

2

Exhibit 3
HB 11
Krause
June 18, 1986

TESTIMONY RELATIVE TO HOUSE BILL 11:

JUNE 18, 1986

Speaking on behalf of the Montana Assessors Association, we are strongly opposed to this Bill which would allow local County Commissioners to set the salaries of their Assessors.

Chuck Krause
CHUCK KRAUSE, ASSESSOR
SILVER BOW COUNTY

Exhibit 4

June 18, 1986

Rep. Manuel

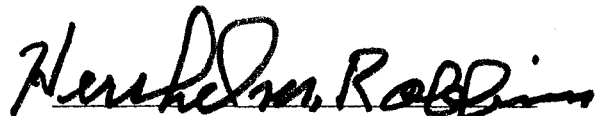
HB 11

June 18, 1986

TESTIMONY IN SUPPORT OF HOUSE BILL 11, AS AMENDED

Presented by Hershel M. Robbins, Chairman
Musselshell County Commission
Roundup, Montana

I submit, this written testimony as my support of House Bill 11, as amended, to give County Commissioners the option to freeze or allow the cost of living increase as provided in the statute.


Hershel M. Robbins

VISITORS' REGISTER

Local Government

COMMITTEE

BILL NO. HB 11DATE June 18, 1986SPONSOR Manuel

NAME (please print)	RESIDENCE REPRESENTING	SUPPORT	OPPOSE
REP. GAY HOLLIDAY	w/ amendments	X	
CHUCK KRAUSE	MONTANA ATTORNS ADVN.		X
Bill E. Edwards	Missoula Spec. Ed.		
Judy Edwards	MEA		
B. J. Wood	L. WV		
J. STANTON	BAKER Public Sch.		
Tom Crosser	OBPP		
Gilbert Allison	Mayor, Hamilton, Pa.		X
John Nelson	Mont. State		X
Don W. Long	LA A. N.		X
Don H. Boren	N. C. F.		
Shirley Cochran	Miss. Co. School Dist.		
Jay Nelson	M. C. F.		
Arlyn W. Bolech	Miss. Co. School Dist.		
John Taylor & Wipe	Miss. Co. School Dist.		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
49th LEGISLATURE
SPECIAL SESSION III
HOUSE OF REPRESENTATIVES

June 19, 1986

The meeting of the Local Government Committee was called to order by Chairman Darko on June 19, 1986 at 1:30 p.m. in room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Pistoria who was absent and Rep. Fritz who was excused by the Chairman.

DISPOSITION OF HOUSE BILL NO. 11: Chairman Darko noted to the committee that there are two grey bills, one with the Manuel amendments and the other has the Manuel plus other amendments. (Exhibits 1 and 2).

Rep. Sales moved that HB 11 DO PASS AS AMENDED, on the "Manuel plus all officers" amendments, grey bills. Seconded by Rep. Brown.

Rep. Kitselman said that throughout the bill it is stated that commissioners may lower their salaries and asked if it is the purpose to have them lower their salaries. Chairman Darko stated that it is a permissive and voluntary action, and it is the purpose of the bill.

Rep. Sands wondered how the bill provides that the county commissioners will make all the reductions on a uniform basis. Mr. Heiman stated that if they do it for one they have to do it for all.

Rep. Wallin asked if this action would only be in effect during this emergency period. Mr. Heiman stated that it will only be in effect for this fiscal year.

Rep. Kadas discussed his amendments (Exhibit 3) and moved his amendments, with Rep. Sales seconding the motion. Mr. Heiman explained the amendments (Exhibit 3) saying that the first and third amendment are cost-of-living increase provisions. Amendment two provides that, if the salaries are frozen for county attorneys during the next year, it isn't a longevity year for county attorney deputies. Rep. Kadas stated that these people have to be included because everyone else is having to freeze their salaries.

Rep. Brown stated that it was discussed about offices that were not tied into the amendments, and asked if they now are part of the amendments. Mr. Heiman stated that everyone is except in certain circumstances, the justice of the peace.

Rep. Wallin asked why does freezing the pay affect eliminating the longevity. Rep. Kadas, said the deputy county attorneys would continue to get a salary increase because of their longevity.

Gordon Morris, Executive Director, Montana Association of Counties wanted clarification that in every fiscal year there would be ongoing authority to freeze salaries. He stated that he thought the original intent of the bill was to establish the permissive authority to freeze or not freeze salaries beginning July 1, 1986. Clarification could be made by taking out "each fiscal year" and say "fiscal year 1987".

Rep. Brandewie asked if the committee is going to just deal with the problem for a year, even if the problem continues. Rep. Kadas stated that it would be best to deal with it for one year. Rep. Brandewie suggested the county commissioners be trusted, if it is necessary, to put on a freeze for another year.

Gordon Morris agreed with Rep. Brandewie's suggestion. Mr. Morris said all that would have to be done is leave the "each fiscal year" and substitute "at the salary level of the previous fiscal year".

Rep. Kadas stated that he would re-amend to include Mr. Morris's suggestion. Rep. Kadas' amendment would read "previous fiscal year". Mr. Gilbert then had it clarified that if done in later years it would be done at the previous fiscal year.

The motion on Rep. Kadas' amendments PASSED by all members of the committee except Rep. Sands.

Rep. Kadas moved that the bill PASS AS AMENDED and was seconded by Rep. Sales.

Rep. Sands stated that he is against this bill. The bill has expanded since the bill was first introduced. It is better addressed in a bill that will be before the House. Another way is to approve the bills in the House that would cover this on a state-wide basis.

Rep. Hansen stated that she is in favor of county commissioners setting salaries to benefit balancing their budgets.

Rep. Gilbert asked if this bill, and the others before the House, were to pass, would those other bills supercede this

Local Government Committee
June 19, 1986
Page 3

bill to allow them to have control over the salaries. Rep. Sands said he thought that you couldn't freeze salaries twice. We should deal with it so that it expands the county commissioners' authority.

Rep. Sales stated that he would vote for this bill and would support the others.

The motion that the bill "DO PASS AS AMENDED" CARRIED with all members of the committee voting "Yes" except Rep. Sands.

HB 11 will come out of committee with a DO PASS AS AMENDED recommendation.

DISPOSITION OF HOUSE BILL NO. 14: Rep. Brown felt that there is a lot of action to seek alternative funds and a different taxing system for vehicles.

Rep. Sales stated that if Senator Smith's vehicle property tax bill now in the process passes, then this bill will not have any affect. If we can't get those passed then we still have this same situation. I feel that proration is the best we can come up with. Rep. Gilbert agreed with Rep. Sales comment.

Rep. Hansen made a motion to table; Rep. Gilbert seconded the motion. This motion PASSED with Reps. Sands, Sales, and Wallin voting "No".

There being no further business to come before this committee, the hearing was adjourned at 1:53 p.m.


PAULA DARKO, Chairman

DAILY ROLL CALL

LOCAL GOVERNMENTCOMMITTEE

49th LEGISLATIVE SESSION -- 1986

THIRD SPECIAL SESSION

Date June 19, 1986

NAME	PRESENT	ABSENT	EXCUSED
Rep. Paula Darko, Chairman	X		
Rep. Norm Wallin, Vice Chairman	X		
Rep. Ray Brandewie	X		
Rep. Dave Brown	X		
Rep. Harry Fritz			X
Rep. Bob Gilbert	X		
Rep. Stella Jean Hansen	X		
Rep. Mike Kadas	X		
Rep. Les Kitselman	X		
Rep. Paul Pistoria		X	
Rep. Bing Poff	X		
Rep. Walter Sales	X		
Rep. Jack Sands	X		
Rep. Dean Switzer	X		

Exhibit #1
Herman

MANUEL AMENDMENTS

HOUSE BILL NO. 11 GREY

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY OFFICIALS COMMISSIONERS TO SET THEIR SALARIES AND OTHER COUNTY OFFICIALS' SALARIES AT THE JUNE 30, 1986, LEVEL ~~IF--THAT LEVEL IS LOWER--THAN--THE--LEVEL--OTHERWISE--REQUIRED--BY--LAW;~~ AMENDING SECTIONS 3-10-207, 7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution, but-a-justice-of-the-peace AND may, for all or the remainder of each fiscal year, set his--salary THE SALARIES at the June 30, 1986, level if-that-level-is--lower than-the-level-set-by-the--resolution IF THE SALARY AT THE TIME OF THE RESOLUTION IS NOT ABOVE THE JUNE 30, 1986, LEVEL. Salaries must meet the minimum requirements established by this section.

(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.

(4) The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, except as provided for in subsection SUBSECTIONS (1) AND (5).

(5) In the event his court is not open for business full time, the justice's salary shall be commensurate to the workload and office hours of the court."

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1) Each member of the board of county commissioners in counties of the first, second, third, and fourth class shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and recorder plus \$2,000, but ~~a~~ THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, set his-salary THEIR SALARIES

at the June 30, 1986, level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year beginning July 1, 1985, the salary is \$60 a day. Thereafter, on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding to the amount of \$60 an increment calculated as provided in 7-4-2504, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, set his-salary THEIR SALARIES at the June 30, 1986, level if that level is lower than the level required by this subsection.

(3) This section does not apply to counties that have adopted a charter form of government."

Section 3. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than two deputies payable one-half from the general fund of the

county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same ~~7-but an-officer~~ AND may, for all or the remainder of each fiscal year, set his-salary THE SALARIES at the June 30, 1986, level if--that-level--is-lower--than-the--level-set--by--the board."

Section 4. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers.

(1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor,

county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized, for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

(a) \$14,000 for the counties of the first through fifth class to the population increment of \$10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

(b) \$12,000 for counties of the sixth and seventh class to the population increment of \$20 per 100 persons or major fraction thereof in the county's population as determined by the 1980 federal decennial census.

(2) (a) An elected county superintendent of schools shall receive, in addition to the salary based upon subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 per year.

(b) The county sheriff shall receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(3) (a) In each county with a population in excess of 30,000, the county attorney shall be a full-time official under 7-4-2704, and his salary for the fiscal year beginning July 1, 1981, shall be \$36,500. In counties with a population less than 30,000, the county attorney who is a part-time official for a county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the annual salary of a full-time county attorney. A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county attorney.

(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the salary of the county attorney for the fiscal year beginning July 1, 1981, shall be \$36,500.

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future

recognize as the successor to that index. However, a--county attorney THE COUNTY COMMISSIONERS may, for all or the remainder of each fiscal year, set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

(d) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of his employment as deputy county attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as deputy county attorney and for each year of service thereafter up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase.

(4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of

each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify."

Section 5. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. Any official-listed-in-this-subsection THE COUNTY GOVERNING BODY may, however, for all or the remainder of each fiscal year,

set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

(2) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

(3) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner, but-the-coroner AND may, for all or the remainder of each fiscal year, set his THE salary at the June 30, 1986, level if-that-level-is-lower-than-the-level-set-by-the resolution. The salary must be in effect upon the first day of each ensuing fiscal year."

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

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Exhibit 50
Heman

MANUEL + ALL OFFICERS AMENDMENTS

HOUSE BILL NO. 11 GREY

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY OFFICIALS COMMISSIONERS TO SET THEIR SALARIES AND ALL OTHER COUNTY OFFICIALS' SALARIES UNIFORMLY AT THE JUNE 30, 1986, ~~LEVEL IF THAT LEVEL IS LOWER THAN THE LEVEL OTHERWISE~~ ~~REQUIRED BY LAW~~; AMENDING SECTIONS 3-10-207, 7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution, ~~but a justice of the peace~~ AND may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his salary THE SALARIES at the June 30, 1986, level if that level is lower than the level set by the resolution IF THE SALARY AT THE TIME OF THE RESOLUTION IS NOT ABOVE THE JUNE 30, 1986, LEVEL. Salaries must meet the minimum requirements established by this section.

(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.

(4) The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, except as provided for in subsection SUBSECTIONS (1) AND (5).

(5) In the event his court is not open for business full time, the justice's salary shall be commensurate to the workload and office hours of the court."

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1) Each member of the board of county commissioners in counties of the first, second, third, and fourth class shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and recorder plus \$2,000, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his-salary THEIR

SALARIES at the June 30, 1986, level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year beginning July 1, 1985, the salary is \$60 a day. Thereafter, on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding to the amount of \$60 an increment calculated as provided in 7-4-2504, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his salary THEIR SALARIES at the June 30, 1986, level if that level is lower than the level required by this subsection.

(3) This section does not apply to counties that have adopted a charter form of government."

Section 3. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than

two deputies payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same 7-but an-officer AND may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his-salary THE SALARIES at the June 30, 1986, level if-that-level-is-lower-than-the-level-set-by-the board."

Section 4. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers.

(1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized, for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

(a) \$14,000 for the counties of the first through fifth class to the population increment of \$10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

(b) \$12,000 for counties of the sixth and seventh class to the population increment of \$20 per 100 persons or major fraction thereof in the county's population as determined by the 1980 federal decennial census.

(2) (a) An elected county superintendent of schools shall receive, in addition to the salary based upon subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition

to the salary based upon subsection (1), up to \$2,000 per year.

(b) The county sheriff shall receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(3) (a) In each county with a population in excess of 30,000, the county attorney shall be a full-time official under 7-4-2704, and his salary for the fiscal year beginning July 1, 1981, shall be \$36,500. In counties with a population less than 30,000, the county attorney who is a part-time official for a county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the annual salary of a full-time county attorney. A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county attorney.

(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the salary of the county attorney for the fiscal year beginning July 1, 1981, shall be \$36,500.

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor

statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. However, a county-attorney THE COUNTY COMMISSIONERS may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

(d) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of his employment as deputy county attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as deputy county attorney and for each year of service thereafter up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase.

(4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics

shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify."

Section 5. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in

the future recognize as the successor to that index. Any official-listed-in-this-subsection THE COUNTY GOVERNING BODY may, however, for all or the remainder of each fiscal year IN CONJUNCTION WITH THE SAME ACTION ON THE SALARIES OF JUSTICES' OF THE PEACE, IF APPLICABLE, THE COUNTY GOVERNING BODY, COUNTY ATTORNEY, AND CORONER, set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

(2) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

(3) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner, but-the-coroner AND may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OFFICERS AS PROVIDED IN 7-4-2504(1), set his THE salary at the June 30, 1986, level if-that-level-is-lower-than-the-level-set-by-the resolution. The salary must be in effect upon the first day of each ensuing fiscal year."

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

exhibit to
Kadas

Amend House Bill 11, introduced copy, as follows:
Prepared for Representative Kadas

1. Page 7, line 7.

Following: "years"

Insert: "unless salaries were set for the fiscal year
beginning July 1, 1986 based upon salaries received June 30, 1986.
In such case the cost-of-living increment that would have been
received for the period from July 1, 1986 to June 30, 1987, comput-
ed on the prior fiscal year, may not be added to previous incre-
ments."

2. Page 7, line 22.

Following: "increase"

Insert: ", but the year beginning July 1, 1986 through June
30, 1987, may not be included in any calculation of longevity
increases if salaries for such year were based upon the salary
received on June 30, 1986"

3. Page 9, line 9.

Following: "years"

Insert: "unless salaries were set for the fiscal year
beginning July 1, 1986 based upon salaries received June 30, 1986.
In such case the cost-of-living increment that would have been
received for the period from July 1, 1986 to June 30, 1987, comput-
ed on the prior fiscal year, may not be added to previous incre-
ments."

VISITORS' REGISTER

Local Government

COMMITTEE

BILL NO.

HB 11 + HB 19

DATE _____

June 19, 1986

SPONSOR

Rep. Manuel + Rep. Bondarowe

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE June 19, 1986 BILL NO. HB 11

NUMBER 1

NAME	AYE	NAY
Rep. Paula Darko, Chairman	X	
Rep. Norm Wallin, Vice Chairman	X	
Rep. Ray Brandewie	X	
Rep. Dave Brown	X	
Rep. Harry Fritz	X	
Rep. Bob Gilbert	X	
Rep. Stella Jean Hansen	X	
Rep. Mike Kadas	X	
Rep. Les Kitselman	X	
Rep. Paul Pistoria		
Rep. Bing Poff	X	
Rep. Walter Sales	X	
Rep. Jack Sands		X
Rep. Dean Switzer	X	

TALLY

11

1

Karey Olson
Secretary

Paula Darko
Chairman

MOTION: Rep. Kadas moved to accept his amendments (exhibit 3)
with Rep. Sales seconding the motion. Rep. Kadas re-amended
his amendment to read "previous fiscal year"

ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE June 19, 1986

BILL NO. HB 11

NUMBER 2

NAME	AYE	NAY
Rep. Paula Darko, Chairman	X	
Rep. Norm Wallin, Vice Chairman	X	
Rep. Ray Brandewie	X	
Rep. Dave Brown	X	
Rep. Harry Fritz		
Rep. Bob Gilbert	X	
Rep. Stella Jean Hansen	X	
Rep. Mike Kadas	X	
Rep. Les Kitselman	X	
Rep. Paul Pistoria		
Rep. Bing Poff	X	
Rep. Walter Sales	X	
Rep. Jack Sands		X
Rep. Dean Switzer	X	

TALLY

11

1

Karey Olson

Secretary

Paula Darko

Chairman

MOTION: Rep. Kadas moved that the bill PASS AS AMENDED and
was seconded by Rep. Sales.

STANDING COMMITTEE REPORT

June 20

1986

Mr. Speaker: We, the committee on HOUSE LOCAL GOVERNMENTreport HOUSE BILL NO. 11

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Rep. Paula Darko

Chairman

AN ACT ALLOWING COUNTY OFFICIALS TO SET THEIR SALARIES AT THE JUNE 30, 1986,
 LEVEL IF THAT LEVEL IS LOWER THAN THE LEVEL OTHERWISE REQUIRED BY LAW

1. Title, line 5.

Strike: "OFFICIALS"

Insert: "COMMISSIONERS"

Following: "THEIR"

Insert: "AND ALL OTHER COUNTY OFFICIALS"

Following: "SALARIES"

Insert: "UNIFORMLY"

Following: "AT THE"

Strike: "JUNE 30, 1986,"

Insert: "PRIOR FISCAL YEAR"

2. Title, lines 6 and 7.

Strike: "IF" on line 6 through "LAW" on line 7

3. Page 1, line 15.

Strike: ", but a justice of the peace"

Insert: "and"

4. Page 1, line 16.

Following: "year"

Insert: "in conjunction with other officers as provided in
7-4-2504(1)"

Strike: "his salary"

Insert: "their salaries"

5. Page 1, line 17.

Strike: "June 30, 1986,"

Insert: "prior fiscal year"

Following: "if"

Strike: "level is lower than the level"

6. Page 1, line 18.

Strike: "set by the resolution"

Insert: "does not result in a reduction in
salary"

7. Page 2, line 3.

Following: "in"

Strike: "subsection"

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June 20, 1986

19.....

Insert: "subsections (1) and"

8. Page 2, line 17.

Following: "but"

Strike: "a"

Insert: "the"

9. Page 2, line 18.

Following: "county"

Strike: "commissioner"

Insert: "commissioners"

10. Page 2, line 19.

Following: "year"

Insert: "in conjunction with other officers as provided in
7-4-2504(1)"

Following: "set"

Strike: "his salary"

Insert: "their salaries"

Strike: "June 30, 1986,"

Insert: "prior fiscal year"

11. Page 3, line 5.

Following: "but"

Strike: "a"

Insert: "the"

Strike: "commissioner"

Insert: "commissioners"

12. Page 3, line 6.

Following: "year"

Insert: "in conjunction with other officers as provided in
7-4-2504(1)"

Strike: "his salary"

Insert: "their salaries"

Strike: "June"

13. Page 3, line ~~2~~ 7.

Strike: "30, 1986,"

Insert: "prior fiscal year"

14. Page 4, lines 15 and 16.

Following: "same" on line 15

Strike: ", but" on line 15 and "an officer" on line 16

Insert: "and"

15. Page 4, line 17.

Following: "year"

Insert: "in conjunction with other officers as provided in
7-4-2504(1)"

Following: "set"

June 20, 1986..... 19.....

Strike: "his salary"
Insert: "their salaries"
Strike: "June 30, 1986,"
Insert: "prior fiscal year"
Following: "level"
Strike: "if that"

16. Page 4, line 13.
~~Following: line 17~~
Strike: "level" through "board"

17. Page 6, line 25.
Following: "However,"
Strike: "a"

18. Page 7, line 1.
Strike: "county attorney"
Insert: "the county commissioners"

19. Page 7, line 2.
Following: "year"
Insert: "in conjunction with other officers as provided in
7-4-2504(1)"
Following: "set"
Strike: "his"
Insert: "the"
Strike: "June 30, 1986,"
Insert: "prior fiscal year"

20. Page 7, line 7.
Following: "years"
Insert: "unless salaries were set for the fiscal year
based upon salaries received in the prior fiscal year. In such
case the cost-of-living increment that would have been received for
such fiscal year, computed on the prior fiscal year, may not be
added to previous increments."

21. Page 7, line 22.
Following: "increase"
Insert: ", but years of service during any year in which the
salary was set based upon the salary of the prior fiscal year may
not be included in any calculation of longevity increases"

23. Page 9, lines 2 and 3.
Strike: "Any" on line 2 through "subsection" on line 3
Insert: "The county governing body"

24. Page 9, line 4.
Following: "year"
Insert: "in conjunction with the same action on the salaries"

June 20, 1986

19

of justices' of the peace (if applicable), the county governing body, county attorney, and coroner"

Following: "set"

Strike: "his"

Insert: "the"

25. Page 9, line 5.

Following: line 4

Strike: "June 30, 1986,"

Insert: "prior fiscal year"

26. Page 9, line 9.

Following: "years"

Insert: "unless salaries were set for the fiscal year based upon salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments."

27. Page 9, line 17.

Strike: ", but the coroner"

Insert: "and"

28. Page 9, line 18.

Following: "year"

Insert: "in conjunction with other officers as provided in subsection (1)"

Following: "set"

Strike: "his"

Insert: "the"

Strike: "June 30, 1986,"

Insert: "prior fiscal year"

29. Page 9, line 19.

Strike: "if" through "resolution"

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49th LEGISLATIVE SESSION THIRD SPECIAL SESSION

COMMITTEE ON LOCAL GOVERNMENT

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS <u>DATE</u>	DO NOT PASS <u>DATE</u>	DO PASS AS AMEND. <u>DATE</u>	BE CON- CURRED IN <u>DATE</u>	BE CONC. IN AS AMENDED <u>DATE</u>	BE NOT CON- CURRED IN <u>DATE</u>
SENATE BILLS									
SB 1	6/16/86	6/18/86	6/18/86	6/18/86	-----	-----	-----	-----	-----
HOUSE BILLS									
HB 11	6/24/86	6/26/86	6/26/86	-----	-----	-----	-----	6/26/86	-----

Use a separate sheet for Senate, House Bills, and Resolutions.

HOUSE BILL NO. 11
INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY
OFFICIALS COMMISSIONERS TO SET THEIR AND ALL OTHER COUNTY
OFFICIALS' SALARIES UNIFORMLY AT THE JUNE--30--1986, PRIOR
FISCAL YEAR LEVEL IF--THAT--LEVEL-IS-LOWER-THAN-THE-LEVEL
OTHERWISE--REQUIRED--BY--LAW; AMENDING SECTIONS 3-10-207,
7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, AND 7-4-2510, MCA;
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county
commissioners shall set salaries for justices of the peace
by resolution, ~~but a justice of the peace~~ AND may, for all
or the remainder of each fiscal year, IN CONJUNCTION WITH
SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN
7-4-2504(1), set ~~his salary~~ THEIR SALARIES at the June--30--
1986, PRIOR FISCAL YEAR level if that ~~level is lower than~~
~~the level set--by--the--resolution~~ DOES NOT RESULT IN A
REDUCTION IN SALARY. Salaries must meet the minimum
requirements established by this section.

(2) If the salary of the justice of the peace was
determined on a fee basis for the years 1971 and 1972, he

shall receive a monthly salary of not less than
one-eighteenth of the total fees, civil and criminal,
collected by the justice or his predecessor in office during
the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was
determined on a nonfee basis for the years 1971 and 1972,
the justice shall be paid not less than the highest salary
earned by the justice or his predecessor for the years 1971
and 1972.

(4) The salary of the justice of the peace may not be
less than the salary for the district clerk of the court in
that county, except as provided for in subsection
SUBSECTIONS (1) AND (5).

(5) In the event his court is not open for business
full time, the justice's salary shall be commensurate to the
workload and office hours of the court."

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)
Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but ~~a~~ THE
county commissioner COMMISSIONERS may, for all or the
remainder of each fiscal year, IN CONJUNCTION WITH SETTING
SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set

THIRD READING
HB 11

~~his-salary~~ THEIR SALARIES at the June-30-1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year beginning July 1, 1985, the salary is \$60 a day. Thereafter, on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding to the amount of \$60 an increment calculated as provided in 7-4-2504, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his-salary THEIR SALARIES at the June-30-1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

(3) This section does not apply to counties that have adopted a charter form of government."

Section 3. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board

of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than two deputies payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same, but an-officer AND may, for all or the remainder of each fiscal

year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set ~~his salary~~ THEIR SALARIES at the ~~June-30-1986~~ PRIOR FISCAL YEAR level if that level is lower than the level set by the board."

Section 4. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers. (1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized, for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

(a) \$14,000 for the counties of the first through fifth class to the population increment of \$10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

(b) \$12,000 for counties of the sixth and seventh class to the population increment of \$20 per 100 persons or major fraction thereof in the county's population as determined by the 1980 federal decennial census.

(2) (a) An elected county superintendent of schools shall receive, in addition to the salary based upon

subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools who holds a master of arts degree or a master's degree in education, with an endorsement in school administration, from a unit of the Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in addition to the salary based upon subsection (1), up to \$2,000 per year.

(b) The county sheriff shall receive, in addition to the salary based upon subsection (1), the sum of \$2,000 per year.

(3) (a) In each county with a population in excess of 30,000, the county attorney shall be a full-time official under 7-4-2704, and his salary for the fiscal year beginning July 1, 1981, shall be \$36,500. In counties with a population less than 30,000, the county attorney who is a part-time official for a county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the annual salary of a full-time county attorney. A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county attorney.

(b) In those counties where the office of the county attorney has been established as a full-time position

pursuant to 7-4-2706, the salary of the county attorney for the fiscal year beginning July 1, 1981, shall be \$36,500.

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. However, a county-attorney THE COUNTY COMMISSIONERS may, for all or the remainder of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his THE salary at the June-30-1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS.

(d) (i) After completing 4 years of service as deputy

county attorney, each deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of his employment as deputy county attorney. After completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as deputy county attorney and for each year of service thereafter up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase. BUT YEARS OF SERVICE DURING ANY YEAR IN WHICH THE SALARY WAS SET BASED UPON THE SALARY OF THE PRIOR FISCAL YEAR MAY NOT BE INCLUDED IN ANY CALCULATION OF LONGEVITY INCREASES.

(4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the

1 university of Montana bureau of business and economic
2 research and the U.S. bureau of the census or other estimate
3 that the bureau of business and economic research may
4 certify."

5 Section 5. Section 7-4-2504, MCA, is amended to read:

6 "7-4-2504. Salaries to be fixed by resolution --
7 cost-of-living increments. (1) The county governing body
8 shall by resolution, on or before July 1, 1982, and on or
9 before July 1 of each year thereafter adjust and uniformly
10 fix the salaries of the county treasurer, county clerk,
11 county assessor, county school superintendent, county
12 sheriff, and the clerk of the district court; the county
13 auditor (if there is one); and the county surveyor (if he
14 receives a salary) for cost-of-living increase by adding to
15 the annual salary computed under 7-4-2503 an increment
16 calculated by applying to the annual salary established by
17 7-4-2503(1) plus previous cost-of-living increments, 70% of
18 the last previous calendar year's consumer price index for
19 all urban consumers, U.S. department of labor, bureau of
20 labor statistics, or other index that the bureau of business
21 and economic research of the university of Montana may in
22 the future recognize as the successor to that index. Any
23 official-listed-in-this-subsection THE COUNTY GOVERNING BODY
24 may, however, for all or the remainder of each fiscal year,
25 IN CONJUNCTION WITH SETTING SALARIES FOR THE SAME ACTION ON

1 THE SALARIES OF JUSTICES OF THE PEACE (IF APPLICABLE), THE
2 COUNTY GOVERNING BODY, COUNTY ATTORNEY, AND CORONER, set his
3 THE salary at the June-30-1986, PRIOR FISCAL YEAR level if
4 that level is lower than the level required by this
5 subsection. The cost-of-living increment for the fiscal year
6 beginning July 1, 1983, and for each subsequent fiscal year
7 shall be added to all cost-of-living increments granted for
8 previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR
9 BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN
10 SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN
11 RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL
12 YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS.

13 (2) If the application of 7-4-2503 does not qualify a
14 county official for a salary increase of at least 7% on July
15 1, 1981, his salary on that date shall be increased by an
16 amount sufficient to provide him total salary equal to 7%
17 more than during the previous year.

18 (3) The county governing body shall by resolution,
19 prior to July 1 of each year, establish the salary of the
20 coroner, ~~but the coroner~~ AND may, for all or the remainder
21 of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES
22 FOR OTHER OFFICERS AS PROVIDED IN SUBSECTION (1), set his
23 THE salary at the June-30-1986, PRIOR FISCAL YEAR level ~~if~~
24 ~~that level is lower than the level set by the resolution.~~
25 The salary must be in effect upon the first day of each

1 ensuing fiscal year."

2 SECTION 6. SECTION 7-4-2510, MCA, IS AMENDED TO READ:

3 "7-4-2510. Sheriff's department -- longevity payments.

4 Beginning on the date of his first anniversary of employment
5 with the department and adjusted annually, a deputy sheriff
6 or undersheriff is entitled to receive a longevity payment
7 amounting to 1% of the minimum base annual salary for each
8 year of service with the department, but years of service
9 during any year in which the salary was set at the same
10 level as the salary of the prior fiscal year may not be
11 included in any calculation of longevity increases. This
12 payment shall be made in equal monthly installments."

13 NEW SECTION. Section 7. Effective date. This act is
14 effective on passage and approval.

-End-

MINUTES OF THE MEETING
49TH LEGISLATURE THIRD SPECIAL SESSION
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

June 26, 1986

The Local Government Committee meeting was called to order on the above date, in Room 410 of the State Capitol Building, at 12:15 p.m. by Chairman Fuller.

ROLL CALL: Senators Crippen and McCallum excused, all other members present.

CONSIDERATION OF HB 11: Representative Rex Manuel, HD 11, sponsor of the bill, said it simply gives county commissioners the option to freeze their wages at the 1986 level. This would allow them to freeze wages for other county officials.

PROPOSERS: Gordon Morris, MACO, said his group wholeheartedly approves of it.

Commissioner Ann Mary Dussault, Missoula County, said it may be necessary for county commissioners to do the same type of thing the legislature is attempting to do with employees and that is freeze salaries. She said they cannot do that unless they also have the ability to freeze their own salaries. The intent of the bill is to allow counties, if necessary, to do that. A number of their employees have their salaries tied to elected officials' salaries. Without this bill, if they freeze the sheriff's salary, they cannot freeze the deputy sheriff's salary.

OPPOSERS: None.

COMMITTEE QUESTIONS: Senator Harding asked about the commissioners not having control over the justices of the peace. She understood the justice of the peace was based upon the clerk of court's salary and, if they are allowed to freeze salaries, they would also be able to control the justice of the peace's salary, was that right? Representative Manuel said that was right.

Senator Fuller said there is one amendment to the bill which would clean up the language. (Exhibit #1) Karen Renne, Legislative Council, explained that it was a switch from "BASED UPON" to "at the level of". The last page of the bill refers to the option of setting the salary at the level of the prior fiscal year. That amounts to a freeze. When the phrase "based upon" the salary of the prior fiscal year is used there is some ambiguity as to precisely what that means. It doesn't necessarily mean "at the level of". She

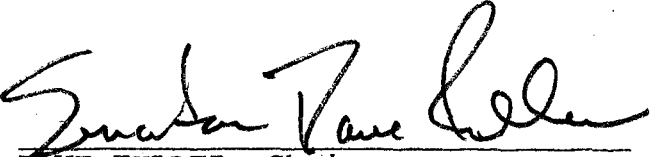
Local Government
June 26, 1986
page 2

suggested making the language consistent throughout the bill to refer to setting the salaries at the level of the fiscal year prior rather than based upon.

DISPOSITION OF HB 11: Senator Story moved the amendment to HB 11 (Exhibit #1), be adopted. Motion carried.

Senator Harding moved HB 11, as amended, BE CONCURRED IN. Motion carried unanimously. Senator Harding will carry the bill on the Senate floor.

There being no further business, the meeting adjourned.


DAVE FULLER, Chairman

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1986
THIRD SPECIAL SESSION

Date 6/26/86

SENATE
SEAT

#

	NAME	PRESENT	ABSENT	EXCUSED
43	SENATOR DAVE FULLER, Chairman	✓		
23	SENATOR JOHN MOHAR, V. Chrmn.	✓		
13	SENATOR BRUCE CRIPPEN		✓	
18	SENATOR DOROTHY ECK	✓		
11	SENATOR ETHEL HARDING	✓		
47	SENATOR LES HIRSCH	✓		
4	SENATOR GEORGE McCALLUM		✓	
44	SENATOR DICK PINSONEAULT	✓		
19	SENATOR PAT REGAN	✓		
21	SENATOR PETE STORY	✓		

Each day attach to minutes.

DATE _____

JUNE 26, 1986

COMMITTEE ON

Sew Local Govt.

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

AMENDMENTS TO HB 11

Requested by the Legislative Council

1. Page 7, line 21.
Following: "FISCAL YEAR "
Strike: "BASED UPON"
Insert: "at the level of"
2. Page 8, line 15.
Following: "SET"
Strike: "BASED UPON"
Insert: "at the level of"
3. Page 10, line 9.
Following: line 8
Strike: "BASED UPON"
Insert: "at the level of"

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 6-26-86

BILL NO. HB 11

STANDING COMMITTEE REPORT

June 26 19 86

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 11

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Manuel

ALLOW COUNTY OFFICIALS TO FREEZE THEIR SALARIES AT JUNE 30, 1986 LEVEL

Respectfully report as follows: That HOUSE BILL No. 11

be amended as follows:

1. Page 7, line 21.
Following: "FISCAL YEAR"
Strike: "BASED UPON"
Insert: "at the level of"
2. Page 8, line 15.
Following: "SET"
Strike: "BASED UPON"
Insert: "at the level of"
3. Page 10, line 9.
Following: line 8
Strike: "BASED UPON"
Insert: "at the level of"

AND AS AMENDED
BE CONCURRED IN

XXXXXX

XXXXXXXXXX

SENATOR DAVE FULLER, Chairman.

HOUSE BILL NO. 11

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY
OFFICIALS COMMISSIONERS TO SET THEIR AND ALL OTHER COUNTY
OFFICIALS' SALARIES UNIFORMLY AT THE JUNE--30--1986 PRIOR
FISCAL YEAR LEVEL IF--THAT--LEVEL IS LOWER THAN THE LEVEL
OTHERWISE--REQUIRED--BY--LAW; AMENDING SECTIONS 3-10-207,
7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, AND 7-4-2510, MCA;
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county
commissioners shall set salaries for justices of the peace
by resolution~~7--but-a-justice-of-the-peace~~ AND may, for all
or the remainder of each fiscal year, IN CONJUNCTION WITH
SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN
7-4-2504(1), set ~~his-salary~~ THEIR SALARIES at the ~~June--30--~~
~~1986~~ PRIOR FISCAL YEAR level if that ~~level-is-lower-than~~
~~the-level-set-by-the-resolution~~ DOES NOT RESULT IN A
REDUCTION IN SALARY. Salaries must meet the minimum
requirements established by this section.

(2) If the salary of the justice of the peace was
determined on a fee basis for the years 1971 and 1972, he

shall receive a monthly salary of not less than
one-eighteenth of the total fees, civil and criminal,
collected by the justice or his predecessor in office during
the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was
determined on a nonfee basis for the years 1971 and 1972,
the justice shall be paid not less than the highest salary
earned by the justice or his predecessor for the years 1971
and 1972.

(4) The salary of the justice of the peace may not be
less than the salary for the district clerk of the court in
that county, except as provided for in subsection
SUBSECTIONS (1) AND (5).

(5) In the event his court is not open for business
full time, the justice's salary shall be commensurate to the
workload and office hours of the court."

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)
Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but a THE
county ~~commissioner~~ COMMISSIONERS may, for all or the
remainder of each fiscal year, IN CONJUNCTION WITH SETTING
SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set

Reference Bill
HB 11

1 ~~his-salary~~ THEIR SALARIES at the ~~June-30, 1986~~ PRIOR FISCAL
2 YEAR level if that level is lower than the level required by
3 this subsection.

4 (2) Each member of the board in all other counties is
5 entitled to a salary for each day in which he is actually
6 and necessarily engaged in the performance of board duties
7 as set by resolution of the board. For the fiscal year
8 beginning July 1, 1985, the salary is \$60 a day. Thereafter,
9 on or before July 1 of each year, the county commission
10 shall fix a cost-of-living adjusted daily salary by adding
11 to the amount of \$60 an increment calculated as provided in
12 7-4-2504, but a THE county commissioner COMMISSIONERS may,
13 for all or the remainder of each fiscal year, IN CONJUNCTION
14 WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN
15 7-4-2504(1), set his-salary THEIR SALARIES at the ~~June-30,~~
16 ~~1986~~ PRIOR FISCAL YEAR level if that level is lower than
17 the level required by this subsection.

18 (3) This section does not apply to counties that have
19 adopted a charter form of government."

20 Section 3. Section 7-4-2502, MCA, is amended to read:

21 "7-4-2502. Payment of salaries of county officials and
22 assistants. (1) Except as provided in subsection (2), the
23 salaries of the county officers and their assistants may be
24 paid monthly, twice monthly, or every 2 weeks out of the
25 general fund of the county and upon the order of the board

1 of county commissioners.

2 (2) (a) The salaries of the county attorney and deputy
3 county attorneys authorized by 7-4-2703 are payable monthly,
4 with the salaries of the county attorney and no more than
5 two deputies payable one-half from the general fund of the
6 county and the other one-half from the state treasury upon
7 the warrant of the state auditor. Such salaries for the
8 deputy county attorneys include the longevity increases
9 provided by 7-4-2503(3)(d).

10 (b) The county commissioners of each county shall,
11 within 30 days after the election or appointment to fill a
12 vacancy for any cause in the office of county attorney or
13 within 30 days after the appointment of a deputy county
14 attorney authorized by 7-4-2703, certify the election or
15 appointment to the state auditor, who shall thereafter draw
16 warrants for such salary in the same manner as for state
17 officers. In case of a vacancy, the county commissioners
18 shall immediately notify the state auditor, and the auditor
19 shall compute the salary due on the basis of the
20 notification.

21 (3) The board has jurisdiction and power, under such
22 limitations and restrictions as are prescribed by law, to
23 fix the compensation of all county officers not otherwise
24 fixed by law and to provide for the payment of the same ~~but~~
25 an officer AND may, for all or the remainder of each fiscal

1 year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER
 2 OFFICERS AS PROVIDED IN 7-4-2504(1), set ~~his salary~~ THEIR
 3 SALARIES at the ~~June-30, 1986,~~ PRIOR FISCAL YEAR level if
 4 ~~that level is lower than the level set by the board.~~"

5 Section 4. Section 7-4-2503, MCA, is amended to read:

6 "7-4-2503. Salary schedule for certain county
 7 officers. (1) The salary paid to the county treasurer,
 8 county clerk and recorder, clerk of the district court,
 9 county assessor, county superintendent of schools, and
 10 county sheriff; the county surveyor in counties where county
 11 surveyors receive salaries as provided in 7-4-2812; and the
 12 county auditor in all counties wherein such office is
 13 authorized, for the fiscal year beginning July 1, 1981, is
 14 computed by adding the annual base salary of:

15 (a) \$14,000 for the counties of the first through
 16 fifth class to the population increment of \$10 for each 100
 17 persons or major fraction thereof included in the county's
 18 population as determined by the 1980 federal decennial
 19 census; or

20 (b) \$12,000 for counties of the sixth and seventh
 21 class to the population increment of \$20 per 100 persons or
 22 major fraction thereof in the county's population as
 23 determined by the 1980 federal decennial census.

24 (2) (a) An elected county superintendent of schools
 25 shall receive, in addition to the salary based upon

1 subsection (1), the sum of \$400 per year, except that an
 2 elected county superintendent of schools who holds a master
 3 of arts degree or a master's degree in education, with an
 4 endorsement in school administration, from a unit of the
 5 Montana university system or an equivalent institution may,
 6 at the discretion of the county commissioners, receive, in
 7 addition to the salary based upon subsection (1), up to
 8 \$2,000 per year.

9 (b) The county sheriff shall receive, in addition to
 10 the salary based upon subsection (1), the sum of \$2,000 per
 11 year.

12 (3) (a) In each county with a population in excess of
 13 30,000, the county attorney shall be a full-time official
 14 under 7-4-2704, and his salary for the fiscal year beginning
 15 July 1, 1981, shall be \$36,500. In counties with a
 16 population less than 30,000, the county attorney who is a
 17 part-time official for a county of the first, second, or
 18 third class is entitled to receive an annual salary equal to
 19 60% of the annual salary of a full-time county attorney. A
 20 county attorney who is a part-time official for a county of
 21 the fourth, fifth, sixth, or seventh class is entitled to
 22 receive an annual salary equal to 50% of the annual salary
 23 of a full-time county attorney.

24 (b) In those counties where the office of the county
 25 attorney has been established as a full-time position

1 pursuant to 7-4-2706, the salary of the county attorney for
2 the fiscal year beginning July 1, 1981, shall be \$36,500.

3 (c) Beginning on July 1, 1982, and on July 1 of each
4 succeeding year, each county attorney shall be entitled to
5 an increase in salary calculated by adding to his annual
6 salary on July 1, 1981, an increment of 70% of the last
7 previous calendar year's consumer price index for all urban
8 consumers, U.S. department of labor, bureau of labor
9 statistics, or other index that the bureau of business and
10 economic research of the university of Montana may in the
11 future recognize as the successor to that index. However, a
12 county-attorney THE COUNTY COMMISSIONERS may, for all of the
13 remainder of each fiscal year, IN CONJUNCTION WITH SETTING
14 SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set
15 his THE salary at the June-30-1986, PRIOR FISCAL YEAR level
16 if that level is lower than the level required by this
17 subsection (3)(c). The cost-of-living increment for the
18 fiscal year beginning July 1, 1983, and for each subsequent
19 fiscal year shall be added to all cost-of-living increments
20 granted for previous years UNLESS SALARIES WERE SET FOR THE
21 FISCAL YEAR BASED-UPON AT THE LEVEL OF SALARIES RECEIVED IN
22 THE PRIOR FISCAL YEAR. IN SUCH CASE THE COST-OF-LIVING
23 INCREMENT THAT WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL
24 YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO
25 PREVIOUS INCREMENTS.

1 (d) (i) After completing 4 years of service as deputy
2 county attorney, each deputy county attorney is entitled to
3 an increase in salary of \$1,000 on the anniversary date of
4 his employment as deputy county attorney. After completing 5
5 years of service as deputy county attorney, each deputy
6 county attorney is entitled to an additional increase in
7 salary of \$1,500 on the anniversary date of his employment.
8 After completing 6 years of service as deputy county
9 attorney and for each year of service thereafter up to
10 completion of the 11th year of service, each deputy county
11 attorney is entitled to an additional annual increase in
12 salary of \$500.

13 (ii) The years of service as a deputy county attorney
14 accumulated prior to July 1, 1981, must be included in the
15 calculation of the longevity increase, BUT YEARS OF SERVICE
16 DURING ANY YEAR IN WHICH THE SALARY WAS SET BASED--UPON AT
17 THE LEVEL OF THE SALARY OF THE PRIOR FISCAL YEAR MAY NOT BE
18 INCLUDED IN ANY CALCULATION OF LONGEVITY INCREASES.

19 (4) For each 10th year after the fiscal year beginning
20 July 1, 1981, the latest federal decennial census statistics
21 shall be the basis for computation of population increments
22 under this section. During the intervening 9 years, the
23 computation of population increments applicable on July 1 of
24 each year shall be based on the last calendar year's annual
25 estimates of counties' populations compiled by the

1 federal-state cooperative program for estimates of the
2 university of Montana bureau of business and economic
3 research and the U.S. bureau of the census or other estimate
4 that the bureau of business and economic research may
5 certify."

6 Section 5. Section 7-4-2504, MCA, is amended to read:

7 "7-4-2504. Salaries to be fixed by resolution --
8 cost-of-living increments. (1) The county governing body
9 shall by resolution, on or before July 1, 1982, and on or
10 before July 1 of each year thereafter adjust and uniformly
11 fix the salaries of the county treasurer, county clerk,
12 county assessor, county school superintendent, county
13 sheriff, and the clerk of the district court; the county
14 auditor (if there is one); and the county surveyor (if he
15 receives a salary) for cost-of-living increase by adding to
16 the annual salary computed under 7-4-2503 an increment
17 calculated by applying to the annual salary established by
18 7-4-2503(1) plus previous cost-of-living increments, 70% of
19 the last previous calendar year's consumer price index for
20 all urban consumers, U.S. department of labor, bureau of
21 labor statistics, or other index that the bureau of business
22 and economic research of the university of Montana may in
23 the future recognize as the successor to that index. Any
24 official-listed-in-this-subsection THE COUNTY GOVERNING BODY
25 may, however, for all or the remainder of each fiscal year,

1 IN CONJUNCTION WITH SETTING SALARIES FOR THE SAME ACTION ON
2 THE SALARIES OF JUSTICES OF THE PEACE (IF APPLICABLE), THE
3 COUNTY GOVERNING BODY, COUNTY ATTORNEY, AND CORONER, set his
4 THE salary at the ~~June-30-1986~~ PRIOR FISCAL YEAR level if
5 that level is lower than the level required by this
6 subsection. The cost-of-living increment for the fiscal year
7 beginning July 1, 1983, and for each subsequent fiscal year
8 shall be added to all cost-of-living increments granted for
9 previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR
10 BASED-UPON AT THE LEVEL OF SALARIES RECEIVED IN THE PRIOR
11 FISCAL YEAR. IN SUCH CASE THE COST-OF-LIVING INCREMENT THAT
12 WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON
13 THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS
14 INCREMENTS.

15 (2) If the application of 7-4-2503 does not qualify a
16 county official for a salary increase of at least 7% on July
17 1, 1981, his salary on that date shall be increased by an
18 amount sufficient to provide him total salary equal to 7%
19 more than during the previous year.

20 (3) The county governing body shall by resolution,
21 prior to July 1 of each year, establish the salary of the
22 coroner, ~~but the coroner~~ AND may, for all or the remainder
23 of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES
24 FOR OTHER OFFICERS AS PROVIDED IN SUBSECTION (1), set his
25 THE salary at the ~~June-30-1986~~ PRIOR FISCAL YEAR level if

1 ~~that--level--is--lower--than--the--level--set--by--the--resolution.~~

2 The salary must be in effect upon the first day of each
3 ensuing fiscal year."

4 SECTION 6. SECTION 7-4-2510, MCA, IS AMENDED TO READ:

5 "7-4-2510. Sheriff's department -- longevity payments.

6 Beginning on the date of his first anniversary of employment
7 with the department and adjusted annually, a deputy sheriff
8 or undersheriff is entitled to receive a longevity payment
9 amounting to 1% of the minimum base annual salary for each
10 year of service with the department, but years of service
11 during any year in which the salary was set at the same
12 level as the salary of the prior fiscal year may not be
13 included in any calculation of longevity increases. This
14 payment shall be made in equal monthly installments."

15 NEW SECTION. Section 7. Effective date. This act is
16 effective on passage and approval.

-End-